FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, the Estate of A. V. Williams, by William G. Zimmermann, Albert H. Williams, and Jennie L. Fowlkes, Personal Representatives, and the Contract Lessees, Thomas and Linda Shifflett. The Petitioners request a special exception to use the subject property, zoned R.C. 2, for a riding stable, pursuant to Section 1A01.2.C.17 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Bruce E. Doak, Registered Property Line Surveyor, Thomas and Linda Shifflett, and Brandon and Donald Wolfe. Appearing as a Protestant in the matter was William Sunderland, nearby property owner.

Testimony and evidence revealed that the subject property, located between Bird River Beach Road and Stumps Lane, consists of 4.03 acres, more or less, zoned R.C. 2, and is improved with a riding stable, parking area, a private drive, and six wood frame barns as depicted on Petitioner's Exhibit 1. The Petitioners are desirous of legalizing the use of the subject property as a riding stable. Testimony indicated that Mr. & Mrs. Thomas Shifflett have operated the subject riding stable for the past 8 years and that they lease the adjacent 63 acres surrounding this property

for use as pastureland and riding area. Mrs. Shifflett testified that the hours of operation are daylight only and that there are no lights on the premises. The Petitioners further testified that there currently exists 24 horses on the subject property, 9 of which belong to the Petitioners themselves. The other horses belong to individuals who board their horses at this location and visit from time to time to ride and feed their horses. The Petitioners testified they plan to expand their operation to board up to 30 horses, but have no intention of boarding more than 30 horses at any one time. Testimony indicated the riding stable is for the owners of the horses only, or their friends, and that no member of the public is permitted to ride horses at this location, unless their horse is boarded at this riding stable. The Petitioners further testified as to improvements made to the subject property. Testimony indicated that when the Shiffletts took over the operation, the property was in a poor state of disrepair. The Petitioners testified they bush-hogged and mowed the property and continue to maintain it in a neat and orderly manner. They also spent considerable sums of money renovating the barns that are situated on the site.

William Sunderland appeared and testified in opposition to the Petitioners' request. Mr. Sunderland resides on approximately 4 acres located at the intersection of Bird River Beach Road and Ebenezer Road, known as 6602 Ebenezer Road. Mr. Sunderland testified that he is 81 years of age and has lived there for the past 56 years. Mr. Sunderland testified that he has experienced problems with horseback riders leaving the site of the riding stable and riding their horses along Bird River Beach Road and Ebenezer Road. Testimony at the hearing revealed that many of the horse owners will take their horses to the nearby quarry and other

- 2-

farms to ride. Mr. Sunderland testified that as the horses travel to other locations in the community they have on a number of occasions taken a short-cut across his property. In an attempt to discourage the horses from crossing his property, Mr. Sunderland erected a steel cable across his property. In addition, Mr. Sunderland testified about the number of occasions he has found horse dung on his property and along Bird River Beach Road. He also testified that he has seen horse dung on Ebenezer Mr. Sunderland was quick to point out that failure to remove this dung is a blatant violation of Section 6-206 of the Baltimore County Code. That Section reads as follows: "The owner of every animal shall be responsible for the removal of excreta deposited by his animal on public byways, recreational areas, or private property." Mr Sunderland testified that the horseback riders failed to clean up after their horses pursuant to the requirements of Section 6-206. Mr. Sunderland agreed in his testimony that the Petitioners operate a first-class establishment at the subject location. He has no qualms with the operation itself, but objects to the problems he has encountered with the riders travelling by his property. Testimony indicated that the Petitioners have repeatedly asked their boarders to avoid Mr. Sunderland's property when they are riding and they have been doing so; however, Mr. Sunderland is concerned that once this hearing is granted, the riders will go back to trespassing upon his proper-

While Mr. Sunderland was concerned about the horse dung found along Bird River Beach Road and Ebenezer Road, the Petitioners stated that there are other horses kept in the community and that some of the dung seen on the streets could have been from those horses and not their own. However, the evidence is clear that the majority of horses kept in the

- 3-

area are kept at their riding stable. Further, the Petitioners have testified that they intend to expand their operation to 30 horses. Given the fact that the Petitioners admit that their riders use these streets as their routine travelway to ride their horses, I find that the dung found on these streets is associated with the horses boarded at their stable. Therefore, it shall be the responsibility of the Petitioners, the owners of the riding stable, to ensure the proper cleanup and removal of all horse dung along Bird River Beach Road and that portion of Ebenezer Road which fronts Mr. Sunderland's property, regardless of where that dung originated from. It would be impossible to distinguish the dung from one horse to another; however, because of the commercial operation for which the Petitioners seek approval, I find it shall be their responsibility for the cleanup of this dung regardless of where it came from.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

- 4-

50

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of October, 1992 that the Petition for Special Exception to use the subject property, zoned R.C. 2, for a riding stable, pursuant to Section 1A01.2.C.17 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) There shall be no signs associated with the Petitioners operation located anywhere other than on the subject 4.03 acres of land owned by the Petitioners.
- 3) The Petitioners shall be limited to boarding only 30 horses. Any increase over and above the 30 horses will require another public hearing to determine the appropriateness of any expansion over 30 horses.

4) Pursuant to Section 6-206 of the Baltimore County Code, all horse owners/riders shall be responsible for the cleanup and removal of any dung left behind by their particular horse. This shall apply no matter where the rider is riding his/her horse.

5) The Petitioners, Thomas and Linda Shifflett. and their successors and/or assigns, shall be responsible for the daily removal of any and all horse dung left along Bird River Beach Road and Ebenezer Road, where it passes in front of Mr. Sunderland's property. The Shifflett's, their successors and/or assigns, shall be responsible for the cleanup of this dung on a daily basis regardless of whether or not the dung was left by one of the horses boarded at their riding stable or another horse in the community. This will eliminate any confusion regarding the cleanup of horse dung along this road and along the Sunderland property. Failure to abide by this provision shall consitute a zoning violation and subject the Petitioners to prosecution in the District Court of Maryland by the Zoning Enforcement Division of the Zoning Administration and Development Management Office.

6) The Petitioners, Linda and Thomas Shifflett, and their successors and/or assigns, shall ensure that any and all riders associated with their riding stable do not ride their horses on the side of Bird River Beach Road nearest to Mr. Sunderland's property. They shall also ensure that all riders associated with the subject riding stable do not ride on the side of Ebenezer Road which is nearest to and adjacent to Mr. Sunderland's property. Failure to abide by this provision shall consitute a zoning violation and subject the Petitioners to prosecution in the District Court of Maryland by the Zoning Enforcement Division of the Zoning Administration and Development Management Office.

7) The operation of this riding stable shall be limited to daylight hours only and there shall be no lighting of the premises other than what is necessary to operate the barns and stable on the subject site.

8) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Deputy Zoning Commissioner

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

10/33/92

October 23, 1992

(410) 887-4386

Mr. William G. Zimmermann Mr. Albert H. Williams Ms. Jennie L. Fowlkes 8660 Pulaski Highway Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL EXCEPTION W/S Bird River Beach Road, 2500' N of Ebenezer Road, 480' SW of its intersection with a private road 15th Election District - 5th Councilmanic District Estate of A.V. Williams, et al - Petitioners Case No. 93-88-X

Dear Messrs. Zimmermann and Williams and Ms. Fowlkes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Deputy Zoning Commissioner for Baltimore County

cc: Mr. & Mrs. Thomas Shifflett 43 Right Wing Drive, Baltimore, Md. 21220

Mr. Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Boulevard, Suite 100, Towson, Md. 21204

Mr. William Sunderland 6602 Ebenezer Road, Baltimore, Md. 21220 People's Counsel; File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County on the west side of Bird River Beach Road - 2,000' for the property located at more or less north of Ebenezer Road - 15th Election District, 5th Councilmatic District which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a riding stable in a R.C.2 zone as per S.1AO1,2.C.17

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		, parriades.	unavaile
City	State	Zipcode	ESTIMATED LENGTH OF HEARING
	Phone (No	TOWSEN MO WEAR
Address			Name 300 E TOWSCATURAL B
Signature >			CIERACLO (PLIS ETEN
_			Name, Address and phone number of leg to be contacted. BRUCF 6 DC4A
(Type or Print Name)			City
-morroy for residuage			Address
Attorney for Petitioner			Street Programme
City	State	Zipcode	Signature
AGG/835			(Type or Wint Name)
Address			Albert II ichi
Signature			Signature
(Type of Pfint Name)			(Type or Print Name)

Phone No owner, contract purchaser or representative THUP'AS UHIFFIETT 43 KIGHT (CING DR. , PALTO IND SIRON 710 311 315 Q

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the

- 5-

REVIEWED BY: OTHER DATE 9/6/02

GORDON T. LANGDON CENNIS M MILLER EDWARD F DEIACO-LOHR BRUCE E DOAR

73-88 X

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

PAUL G. DOLLENBERG FRED H. DOLLENBERG CARL L. GERHOLD PHILIP K. CROSS OF COUNSEL JOHN F. ETZEL WILLIAM G. ULRICH

September 4, 1992

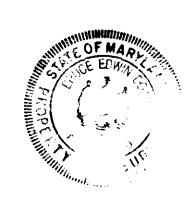
Description To Accompany Zoning Petition 4.03 Acre Parcel North of Ebenezer Road West of Bird River Beach Road Fifteenth Election District, Baltimore County, Maryland

410-823-4470

FAX 410-823-4473

Reginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Ebenezer Road with the centerline of Bird River Beach Road (1) Northwesterly 2500 feet, more or less, measured along the centerline of Bird River Beach Road to the intersection of a private drive and (2) South 37 degrees 30 minutes West 480 feet more or less, leaving said point of beginning and running 1' South 14 degrees 00 minutes 00 seconds East 125.00 feet, (2) South 34 degrees 30 minutes 00 seconds West 355.00 feet, (3) North 57 degrees 00 minutes 00 seconds West 700.00 feet, (4) North 13 degrees 00 minutes 00 seconds East 95.00 feet, (5) South 71 dearees 51 minutes 35 seconds East 94.27 feet and (6) South 70 degrees 00 minutes 00 seconds East 850.00 feet to the point of beginning.

Containing 4.03 acres of land, more or less.



(410) 887-3353

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

SEP. 23 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

CASE NUMBER: 93-88-X (Item 86) W/S Bird River Beach Road, 2500' N of Ebenezer Road to intersection with private drive, then 480' SW 15th Election District - 5th Councilmanic

Petitioner(s): William G. Zimmermann, Albert H. Williams, and Jennie L. Fowlkes, Personal Representatives

of the Estate of A. V. Williams HEARING: THURSDAY, OCTOBER 22, 1992 at 9:00 a.m. in Rm. 106, Office Building

Special Exception for a riding stable.

111 West Chesapeake Avenue

Towson, MD 21204

cc: Personal Representatives of the Estate of A. V. Williams Thomas Shifflett

Bruce E. Doak/Gerhold, Cross & Etzel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; POR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

Posted for: Special Exception for the Thirt Williams Location of property: N/3 Bird River Beard Rd 2500' N/Eboneza Al Location of Signer Foring roodway, of em france of Privato rood ending To riding stable

Cape: 476-35-11 (from 66)
Will Shel River South Rend,
- 5655 W of Chanceur Sheet to
intersection with private
drive, then 460' SW
16th Election District
Sth Councilments
Pullioner(a):
William S. Zimmerman,
Aftert H. Williams, and
Jennie L. Fondise,
Personal Representatives
of the Estate of A. V.
Williams
Hearing: Thursday,
Getober 22, 1982 at 9:00
a.m. in Pers. 108, Office Building. Special Exception for a riding stable.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on _

Baltimore County Government Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

October 8, 1992

(410) 887-3353

Mr. William G. Zimmerman Ms. Jennie L. Folkes 8660 Pulaski Highway Baltimore, MD 21237

RE: Item No. 86, Case No. 93-88-X Petitioner: Estate of A. V. Williams, et al Petition for Special Exception

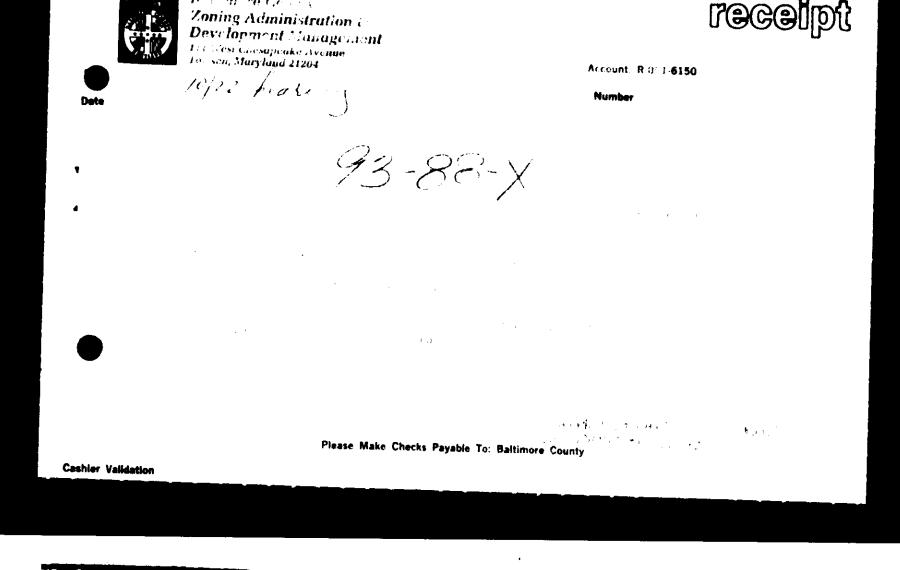
Dear Mr. Zimmerman & Ms. Folkes:

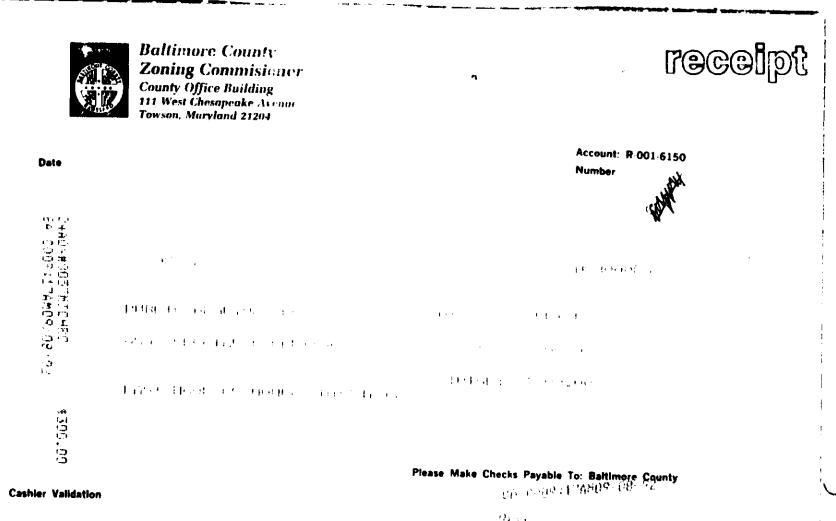
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.





Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 8th day of September, 1992

Petitioner: Estate of A. V. Williams, et al Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DATE: 10.6.92

William G. Zimmerman, et al 8660 Pulaski Highway Baltimore, Maryland 21237

CASE NUMBER: 93-88-X (Item 86) W/S Bird River Beach Road, 2500' N of Ebenezer Road to Intersection with private drive, then 480' SW 15th Election District - 5th Councilmanic Petitioner(s): William G. Zimmermann, Albert H. Williams, and Jennie L. Fowikes, Personal Representatives of the Estate of A. V. Williams HEARING: THURSDAY, OCTOBER 22, 1992 at 9:00 a.m. in Rm. 196, Affice Building

Dear Petitioner(s):

Please be advised that \$ 66.07 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, III W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

,DRH/Developers Engineering Division (Public Services) 4 09/22/92 Development Review Committee Response Form Authorized signature Project Name File Number Waiver Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first) COUNT 1 Walter T. Anderson and Charles E. Maynard DED DEPRM RP STP TE Oliver Jones/Long Green Hotel NC DED DEPRM RP TSP TE William G. Zimmermann for Estate of A.V. Williams DED DEPRM RP STP TE Lorenz Construction, Inc. DED DEPRM RP STP TE Gerard E. and Susan L. Quinn DED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky Abrams Development Group DED DEPRM RP STP TE / Richard H. O'Connell DED DEPRM RP STP TE

Printed on Recycled Paper



O. James Lighthizer Hal Kassoff Administrator

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County
Item No.: + 86 (JU)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 23, 1992 Zoning Administration and Development Management

FROM: Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petition(s) from Zoning Advisory Committee September 21, 1992

The Office of Planning and Zoning has no comments on the following petition(s): William Zimmerman for Estate of A.V. Williams, Item No. 86

If there should be any further questions or if this Office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Mance Musical Mus

Gerard and Susan Quinn, Item No. 88

EMcD: FM: bjs

Recid jour 9/29/92

Baltimore County Government	•
Fire Department	

700 East Joppa Road Suite 901 Towson, MD 21204-5500

SEPTEMBER 30, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: WILLIAM G. ZIMMERMAN, PERSONAL REPRES. & ALBERT H. WILLIAMS, PERSONAL REP. & JENNIE L. FOWLKES, PERSONAL REP. FOR ESTATE OF A.V. WILLIAMS.

Location: W/S BIRD RIVER BEACH ROAD

Item No.: +86 (JLL) Zoning Agenda: SEPTEMBER 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:

Planning Group

Noted and Approved F Fire Prevention Bureau Special Inspection Division

JP/KEK

William G. Zimmermann for Estate of A.V. Williams BED DEPRM RP STP TE Lorenz Construction, Inc. BY Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE	Walter T. Anderson and Charles E. May 100 DED DEPRM RP STP TE Oliver Jones/Long Green Hotel DED DEPRM RP TSP TE William G. Zimmermann for Estate of A DED DEPRM RP STP TE Lorenz Construction, Inc. 87	ynard 9/21/92 1 1 A.V. Williams
DED DEPRM RP STP TE Oliver Jones/Long Green Hotel DED DEPRM RP TSP TE William G. Zimmermann for Estate of A.V. Williams BED DEPRM RP STP TE Lorenz Construction, Inc. DED DEPRM RP STP TE Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE ABrams Development Group PRICHARD GROUP TRANSPORTE Richard H. O'Connell PRICHARD GROUP TRANSPORTE Richard H. O'Connell PRICHARD GROUP TRANSPORTE PRICHARD GROUP TRANSPORTE Richard H. O'Connell	DED DEPRM RP STP TE Oliver Jones/Long Green Hotel 101 DED DEPRM RP TSP TE William G. Zimmermann for Estate of A B6 DED DEPRM RP STP TE Lorenz Construction, Inc. 87	9/21/92 1 \ 1 \ A.V. Williams
DED DEPRM RP STP TE Oliver Jones/Long Green Hotel DED DEPRM RP TSP TE William G. Zimmermann for Estate of A.V. Williams BED DEPRM RP STP TE Lorenz Construction, Inc. DED DEPRM RP STP TE DED DEPRM RP STP TE OCCUPANT Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE OCCUPANT Richard H. O'Connell PSP DED DEPRM RP STP TE Richard H. O'Connell	Oliver Jones/Long Green Hotel Oliver Jones/Long Green Hotel DED DEPRM RP TSP TE William G. Zimmermann for Estate of A DED DEPRM RP STP TE Lorenz Construction, Inc. 87	1 \
Oliver Jones/Long Green Hotel DED DEPRM RP TSP TE William G. Zimmermann for Estate of A.V. Williams BED DEPRM RP STP TE DED DEPRM RP STP TE Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft BED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group PR STP TE Richard H. O'Connell DED DEPRM RP STP TE Richard H. O'Connell PR STP TE Richard H. O'Connell	Oliver Jones/Long Green Hotel 101 DED DEPRM RP TSP TE William G. Zimmermann for Estate of A B6 DED DEPRM RP STP TE Lorenz Construction, Inc. 87	A.V. Williams
DED DEPRM RP TSP TE William G. Zimmermann for Estate of A.V. Williams B6 DED DEPRM RP STP TE Lorenz Construction, Inc. B7 DED DEPRM RP STP TE Gerard E. and Susan L. Quinn B8 DED DEPRM RP STP TE Michael S. and Margaret L. Craft B9 DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group P8 DED DEPRM RP STP TE Accomment P8 DED DEPRM RP STP TE Accomment P8 DED DEPRM RP STP TE Accomment P8 DED DEPRM RP STP TE Richard H. O'Connell P9 DED DEPRM RP STP TE	DED DEPRM RP TSP TE William G. Zimmermann for Estate of A B6 DED DEPRM RP STP TE Lorenz Construction, Inc. 87	A.V. Williams
DED DEPRM RP STP TE Lorenz Construction, Inc. BY DED DEPRM RP STP TE Gerard E. and Susan L. Quinn BB Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE	DED DEPRM RP STP TE Lorenz Construction, Inc. 87	
Lorenz Construction, Inc. DED DEPRM RP STP TE Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE	DED DEPRM RP STP TE Lorenz Construction, Inc. 87	
Lorenz Construction, Inc. DED DEPRM RP STP TE Gerard E. and Susan L. Quinn BB DED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE Comment PB PB PB PB PB PB PB PB PB P	Lorenz Construction, Inc.	~eU/
Gerard E. and Susan L. Quinn BED DEPRM RP STP TE Michael S. and Margaret L. Craft BED DEPRM RP STP TE Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group PED DEPRM RP STP TE DED DEPRM RP STP TE	87	
Gerard E. and Susan L. Quinn DED DEPRM RP STP TE Michael S. and Margaret L. Craft DED DEPRM RP STP TE DED DEPRM RP STP TE DED DEPRM RP STP TE Abrams Development Group PRICHARD STP TE Richard H. O'Connell DED DEPRM RP STP TE	DED DEPRM RP STP TE	1
Michael S. and Margaret L. Craft DED DEPRM RP STP TE Abrams Development Group PRODUCTION OF THE TE DED DEPRM RP STP TE		<u> </u>
Michael S. and Margaret L. Craft DED DEPRM RP STP TE DET DEPRM RP STP TE DET DEPRM RP STP TE DED DEPRM RP STP TE		
DED DEPRM RP STP TE		
DED DEPRM RP STP TE	Michael S. and Margaret L. Craft	¥2 ¥ 4;====================================
Eric H. and Margaret W. Naviasky DED DEPRM RP STP TE Abrams Development Group P8 DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE	89	$oldsymbol{\mathcal{L}}$
DED DEPRM RP STP TE Abrams Development Group 98 DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE		WO SA
Abrams Development Group 98 DED DEPRM RP STP TE Richard H. O'Connell DED DEPRM RP STP TE		,
Abrams Development Group 98 DED DEPRM RP STP TE Richard H. G'Connell DED DEPRM RP STP TE	Lib Com	nment
Richard H. O'Connell DED DEPRM RP STP TE		
DED DEPRM RP STP TE	•	team
DED DEPRM RP STP TE	Richard H. O'Coppell	22727272 ==============================
	, 99	- 1
COUNT 9		enert.
のででではいい。 のででではいいはい	COUNT 9	
FINAL TOTALS		DECENVEN
		DECENVED

File	Number	Walver Number	Zoning	j Issue	Meeting Date
90476 ZON 1	•	ate at Patapsco (Azreal Prop E (Waiting for developer to		t nlans	6-1-92 first)
===	=======			. p. d	
COUNT	Г 1				
	Walter	T. Anderson and Charles E.	Maynar 100		9/21/92
	EPRM RP	STP TE		W/C	
		Jones/Long Green Hotel	101		
	EPRM RP	TSP TE		m/	
/		m G. Zimmermann for Estate o			
DED D	EPRM RP	STP TE		NIC	=======================================
/		Construction, Inc.	87		
	EPRM RP	STP TE	_	NIC	
/		E. and Susan L. Quinn			
	DEPRM RP		88	MIC	
/		l S. and Margaret L. Craft			
	DEPRM RP		89	NC	
		. and Margaret W. Naviasky	05	NIC	
	DEPRM RP			,	
===		Development Group		,	
	DEPRM RP		98	W/C	
/		d H. O'Connell			
	DEPRM RP			N/C	
		****************	=====		
COUNT		· 0 ·			
FINAL COUNT	TOTALS	Recidion 1/20/92			

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Deputy Zoning Commissioner recently granted a special exception for a riding stable in the above captioned matter, and

As you know, there are 8 zoning inspectors for the entire county,

delineated certain restrictions. A copy of the decision is attached

with responsibility for 650 square miles. Each councilmanic district

is assigned one inspector, with the eighth inspector assigned to the

third councilmanic district (because of its geographic size) and with general responsibility for commercial and industrial inspections.

Historically, we react to complaints. While we will initiate

complaints, due to the manpower available and to the number of complaints received from outside sources (citizens, county agencies,

council), this office does not, nor can not, initiate complaints as a normal function. Unless we receive a complaint, we do not have the

that no one had ever complained before about the continuing operation,

and we would not have investigated it due to the lack of a complaint. As for a fine, neither the zoning commissioner nor I have the authority to levy a fine. The District Court has the authority, but no violation citation had been issued, and with the approval granted by the deputy zoning commissioner, the potential for a fine is now moot. We will not issue a violation because the operation has now been legalized by order of the deputy zoning commissioner. No court would impose a fine under such circumstances. Indeed, the inherent purpose of our laws is to insure compliance with them, not to impose penalties. The latter is the last resort, and, in the instant case, the property owner moved to legalize the operation as soon as he was informed by the zoning office

Therefore, the simple answer to Mr. Sunderland's question is

I hope the above responds to the concerns raised by Mr.

time or resources for the inspectors to pick-up on their own.

that the stable was operating illegally.

AJ:ech

November 9, 1992

TO: Councilman Vince Gardina

FROM: Arnold Jablon

RE: Case No. 93-88-X

DPW/Traffic Engineering . 09/22/92 Development Review Committee Response Form Authorized signature Date 9/22/92 Mr. Arnold Jablon, Director DATE: September 29, 1992 Project Name Zoning Administration and Development Management FROM: J. Lawrence Pilson JLP/12005 Development Coordinator, DEPRM Zoning Item #86 W/S Bird River Beach Road, 2500' North of Ebenezer Road to intersection with private drive, then 480' SW - Williams Zoning Advisory Committee Meeting of September 21, 1992 The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. According to a representative of Gerhold, Cross & Etzel, no wells or septics exist and no wells or septics are planned for this property. The Division of Ground Water Management (887-3980) must be contacted if these services are to be provided in the future. LP:sp BIRDR/TXTSBP

8833-92

BALTIMORE COUNTY, MARYLAND Inter-office Correspondence

BALT ORE COUNTY, MARY AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

FROM: Vince Gardina, Councilman

5th District

SUBJECT: Attached letter Special Exception - Case # 93-88-X

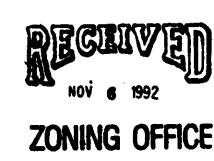
DATE: November 2, 1992

In the attached letter Mr. Sunderland makes the point that the riding stable involved in the special exception hearing has been operating in violation of our county zoning laws since 1990 and the prior tenant had been in violation since 1984, although the state had inspected the property in 1990. Mr. Sunderland would also like an explanation of why no fines have been levied against the property owner since the owners operated in violation of the regulations for several years.

I would appreciate your investigation so that I may respond to Mr. Sunderland.

Thank you for assistance.

cc: Mr. William H. Sunderland



ZONING OFFICE

6602 Ebenezer Road
Baltimore, Manyland Signation (410) 335-2331

Councilman Vince Gardina
0350 Mastern Boulevard
Masex, Caryland 21221

The hearing on Joning case 03-00-Y for a Special Exception from DC 2 for a Riding Stable on Bird River Beach Road was held on October 22, 1002. The exception will be granted with certain restrictions which both parties will have an expectanity to comment. There was no reason not to grant the exception if the lessor and tenant observe all applicable laws and insist the riderate the same. The hearing examiner impressed me as being quite fair and impartial.

I have two problems in reviewing this matter to date. The property has been leased since 1004, every tenant stabling horses and/or mules on the property. The current tenant started about January 1990, the first State imprection being on January 12, 1990. I have some difficulty understanding how such a facility could operate for such a lengthly time in violation of zoning and in the case of the present tenant, ignoring all applicable laws.

I have a larger problem in trying to understand why there is no mention of a fine being levied. I feel very strongly that some fine abould be levied. With the crunch on revenues, fines are a source as well as a negative.

I would appreciate your ascertaining whether action will be taken to pursue this or advise me who to contact.

Very singaraly, Singar

Case	93-88-x	Special Exception, Riding Stable Prof Ex	7
Camel	hee fred	arman and monidant for the second of 6600 Thomas	_

I am William H. Sunderland, owner and resident for 56 years at 6602 Ebeneser Road, Baltimore County. Portions of the property front Bird River Beach Road and Ebeneser Road. The corner at the intersection is a small grassy plot as shown on the accompanying photograph.

The facility has been operating since about January 1990 as the Exotic Spins Farm on property that has been used since 1984 to stable horses and/or miles. Exotic Spins Farm has been operating in violation of the soned land and withhut a Boarding License as required by Section 6-231 of the Baltimore County Code 1991. They also were in violation of Section 7-8 of the Building and Building Regulations Code requiring address numbers on improved property. A lar ge sign advertising Exotic Spins Farm had been erected adjacent to Bird River Beach Road without the required County permit. Every rider who left the Exotic Spins Property violated Section 6.206, Animal Waste of the 1988 Baltimore County Code when the horse deposited it's ding on the public byways or private property. Section 6-204 makes the keeper and/or stable owner also liable.

Section 6-206 Animal Waste is very specific stating 'The owner of every animal shall be responsible for the removal of excreta deposited by his animal on public by ways, recreational areas or private property'. I had such dung deposited on the corner of my property, along the shoulder of Ebenezer Road fronting my property and large amounts in front of my mail box and driveway. The minister of the church across the road had large amounts in front of his mail box. You could trace the horses along Bird River Beach Road by the droppings. Around June 1992, riders were barred from riding on a tract of private property. Then my troubles began.

Riders started riding out Bird River Beach Road, across the corner of my property on to Ebeneser Road. I blocked the two small openings with brush which was removed. The cable between the posts was dismantled but could not be removed since it is theft proof. I put up fence wire which was repeatedly cut. Since this is classed as a Grime against Property, The Baltimore County Police issued two Form 10- Crime Reports as well as visiting Exotic Spins Farm several times. Netal 'No Trespassing' signs were stolen. Finally I closed the openings with punightly steel cable. Anonymous calls were made to BGE about the cable around the utility pole. The BG&E representative who called me said it was obviously a spite call and he cautioned me, the same as several police officers, to be alert for serious vandalism. It was not necessary to remove the cable. When the leasor and tenant stated they had no control over where the riders ride or their actions despite the provisions of Section 6-204 making them liable for damage, I decided to see if I could curb their inlawful actions.

I took this step relunctantly, as it required considerable time and some expense. At my age time is precious. The Zoning and other violations are the result of my investigations. Frankly, I was unaware of the stables until the riders started trespassing across my property and depositing dung. It stretchs credibility to the outer limits to believe that any leasor and/or tenant would start any enterprise in this day and age without becoming familiar with the soning and legal requirements.

You have a facility petioning for a Special Exception who has blantantly failed to observe the Baltimore County laws for a considerable period of time under the guise of being unaware of them. They have attracted a number of undesirables who feel that any property is fair game to ride over. The leasor and tenant absolves their selves from any responsibility for the unlawful actions of the riders. For the Zoning Commission to grant the Special Exception and turn these type of riders loose in a community is an affront to law abiding residents but puts a burden on Animal Control and the Police to respond to calls relative to their violations. It would be tacit approval for riders to roam the hyways and byways brasenly defying those laws governing the behavior of

PROTESTANT(S) SIGN-IN SHEET

ADDRESS

William H. Sunderland

6602 Ebenezer Road-Blow 21220

NAME

NAME

ADDRESS

BRUCES E. DOAK - GERMOUP CROSS : ETZER 320 E TOWSONTOWN BOWD TOWSON LINED N. SHIFFLETT

HENRY M. SHIFFLETT

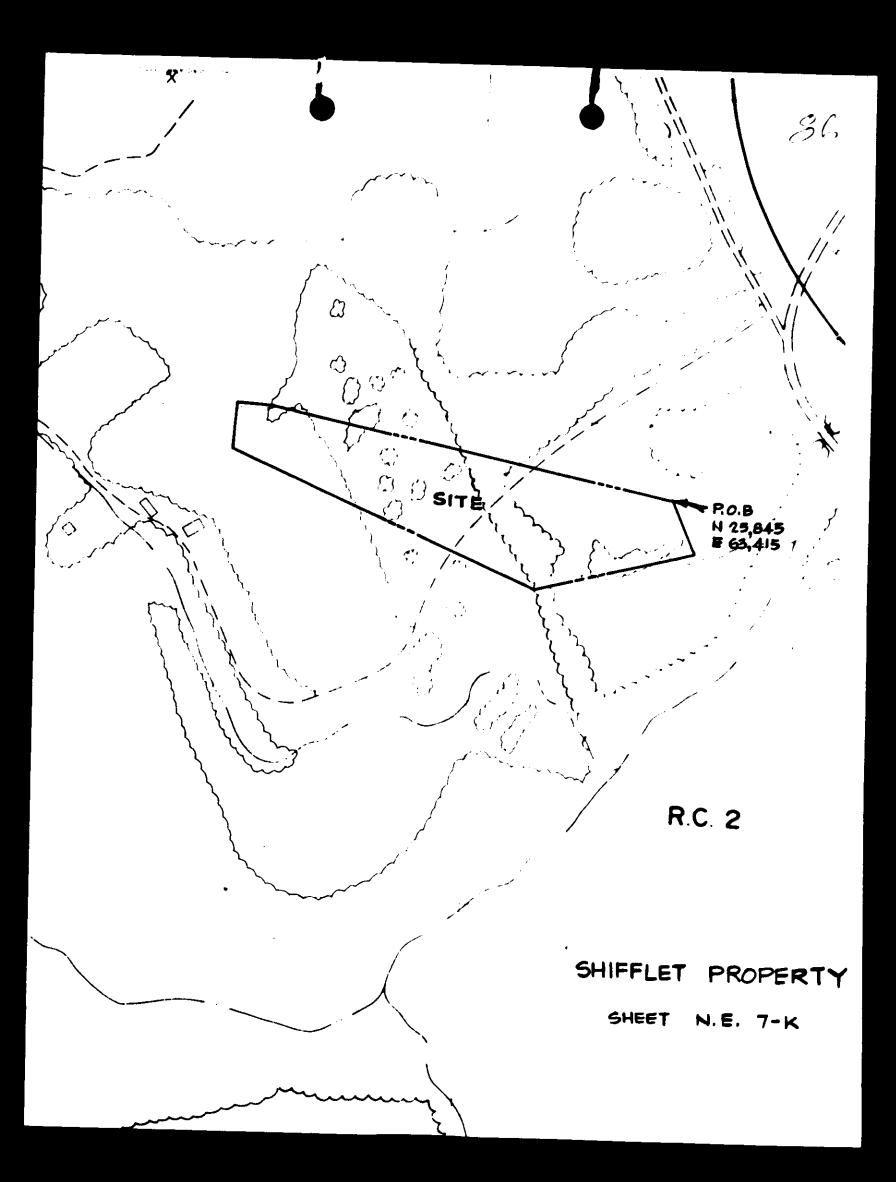
HENRY M. SHIFFLETT

BY ARBON L. WOLFR

LUS SWORL PARK M. 21220

LINED J. 2.28



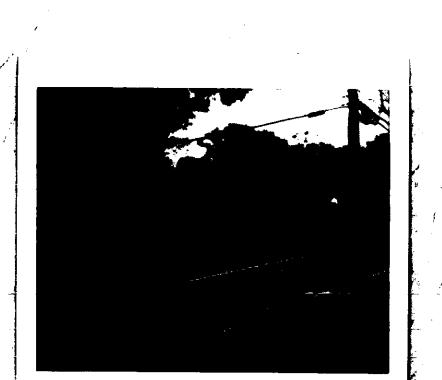


riders of horses.

Mm A Sunder rans

William H. Sunderland

6602 Ebeneser Road
Baltimore, Maryland 21220-1218
(410) 335-2331



Peto Ex #2

LEASE

WHEREAS, the parties mutually desire to enter this Lease, do hereby agree as follows:

- I. DEMISED PROPERTY. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, 57.77 acres, more or less, of land known as the Hackett/Siejack properties loaced on Bird River Beach Road, in the Fifteenth Election District, Baltimore County, Maryland, which demised property is outlined in red on the plat attached hereto and marked as Exhibit 1 and made a part hereof.
- beginning on September 1, 1991, and terminating on August 31, 1992, provided, however, that if the demised property is sold, or if the Landlord dies, or if the Tenant breaches this lease, the Landlord (or his representative) has the option to terminate this Lease by giving Tenant one (1) month's notice of termination. This lease is not renewable.
- III. Rent. Tenant shall pay to the Landlord rent of five-hundred fifty dollars (\$550.00) per month for the term of this Lease. Rent shall be paid in advance on the 1st day of each month during the term of this Lease. Rent shall be paid to Landlord at 8660 Pulaski Highway, Baltimore, Maryland 21237. If rent is paid after the 15th of the month, the Tenant will be assessed a late fee

Page 1 of 5

Pet =x#3

0

8-24-92

I, <u>Derectal L.//SCHLER</u>, have personal knowledge, and or recollection that livestock has resided, at the present location of Exotic Spins Farm, on Bird River Beach Road for approximately 49 years.

XVe offy L. Pischer

Date X 9/7/92

I, <u>Nobelta L. Lischette</u>, have personal knowledge that Exotic Spins Farm has been in operation under Thomas Shifflet since 1984. I support this boarding stable, and hope to see this tradition of horses continue in this community.

Date X9/1/92

Name Jacoby X. Jasch Con Address 65 26 Blackbead Not.

Address 65 26 Blackhead Note.

City/County Brite State Md zip 219 20

comments: Comment of fact it was

a fair to have the house facts

close beganine as a faitoese

Lem Comment as a faitoese

Lymbol of the post of his a vica

MDA-E-60 (Rev. 5/92)

THIS LICENSE IS NON-TRANSFERABLE

b. Bedding Sufficient c. Bedding Suitable d. Cleaned Regularly e. Dry III. Fields/Paddocks & Other Areas a. Free of Dangerous Debris b. Fences Sturdy C. Fences in Good Repair a. Food Available b. Food Quality Adequate c. Food Sufficient d. Free of Contaminates/Mold e. Suitable Containers f. Stored Properly g. Water Available h. Water Quality Adequate i. Salt Available a. Maintains Basic First Aid Kit (/)/ () b. Provides Routine Care (/)/(() c. Sick/injured/lame attended to (/) () VI. Rental & Instruction a. Rested Adequately b. Girths Loosened Awaiting Use () c. Tied To The Bit d. Protected From the Weather e. Fit for use VII. EQUIPMENT a. Tack Clean

TII, Vehicles a. Good Condition b. Axles Greased c. Brakes Operating

b. Tack Sound

d. Grooming Equipment

\APPROVED/REJ.

A. H. WILLIAMS, PRESIDENT A. J. DRESCHER, EXEC. VICE PRES. P. H. CROWE, VICE PRESIDENT

E. PALOTAI, CHIEF ENGINEER-SECRETARY M. MARGARET PENNOCK, ASST. SECRETARY

WILLIAMS CONSTRUCTION COMPANY, INC.

GENERAL CONTRACTORS 8660 PULASKI HIGHWAY BALTIMORE, MD. 21237-3086 PHONE: (410) 686-1000 FAX (410) 686-2559 October 21, 1992

The Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

> Re: A. V. Williams Zoning Hearing - Thomas Shifflett

To Whom It May Concern:

Thomas Shifflett has leased pasture from us and boarded horses on the property located at Bird River Beach Road (aka Hackett/Siejack Property) since October 1990. Prior to that date, he subleased pasture from our tenant, Marlene Fernandes, for a period of about six years. Part of his responsibility is to maintain the pastures and fences. He has spent considerable time and money in the maintenance of these fences and buildings. I have never received a complaint concerning the conditions of either. The State of Maryland has inspected the farm and has never issued a violation to the owner. Furthermore, I have never received a complaint from the boarders about the way business is conducted. He is always prompt with his rent, and I know of no reason not to grant the zoning variance requested.

Mr. Shifflett's lease expired on October 1, 1992. The personal representatives of the Estate of A. V. Williams intend to renew the lease for approximatley the same terms. The new lease is currently being drawn up by our lawyer. A copy of the previous lease is attached for your information.

> Very truly yours, William G. Zimmermann

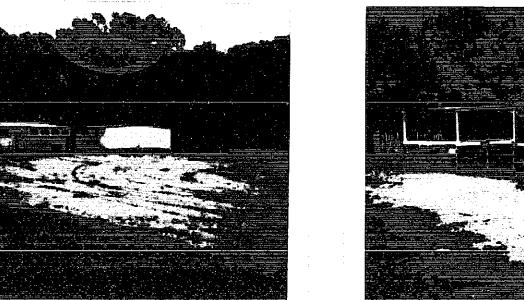
Personal Representative of

Estate of A. V. Williams

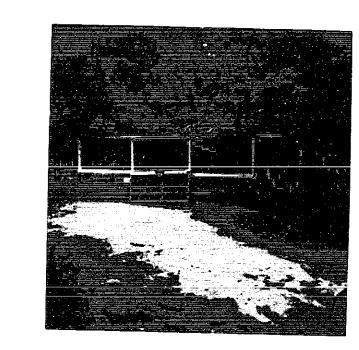
cc: Mr. Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Blvd., Suite 100 Towson, Md. 21204

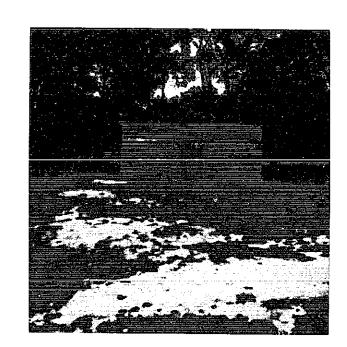
> Mr. Thomas Shifflett 43 Right Wing Drive Baltimore, Md. 21220

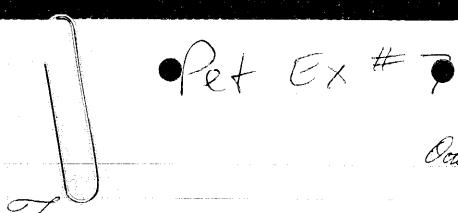
P 93-88-X 0



1TEM 86







To whom it may concur;

give up the animal altogether.

Huncucky, (400 342-1423 ...



• 93-88-X •



SELUDE CHALFRENS ARBEAROL FORWALL

NATIONAL EXECUTIVE OFFICES ONE ST. JUDE PLACE BLDG. P.O. Box 3704 Memphis, Tennessee 38173-0704 (901) 522-9733 During Thomas Leading

07/01/92

Mrs. Linda Shifflett Exotic Spins Farm 43 Right Wing Dr. MD 21220 Baltimore

Dear Mrs. Shifflett:

A new search for a cure for cancer began the day you agreed to coordinate your event. No matter how many hours are spent in research, testing and development, and no matter how many doctors, researchers and technicians are involved, the search for treatments and cures can not begin until we know that we have the necessary money. That is why the 659.00 raised by your SADDLE UP is so important.

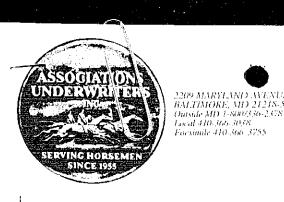
This money may be the first step in a very long process that could one day, yield a new scrum, or purchase a new piece of equipment that might be the necessary ingredient in a cure. The work you do to raise funds is as important, and as necessary, as any research or treatment project conducted by the Hospital.

On behalf of the patients at St. Jude, and the millions of children who may one day benefit from your gift of time, energy, and support, please accept my thanks for all your hard work. Enclosed is a special plaque for you that is a symbol of our appreciation for the vital role you play in our search for treatments and cures.

> Sincerely, Baddia ⊿. Rashid National Executive Director

P.S. Your friends at the Volunteer Service Center congratulate you on your success and look forward to working with you again.





Thomas Shifflett's Lacon

43 Right Wing Orive

18allimore, MD 21220

45801 5001

Policy #: :16 / 425296 00 Eff: 00725707 10 09725700 - Loan #:

37841 09/25/92 REN COMM FLC 2-425/96-02 RENEWAL LIABILITY



1 866,00

THE STATE OF THEM ONE CORP. MALE YOUR REMITTANCE

ANNUAL PREMIUM: \$866. Albert V Williams Mr. Williams 8660 Pulaski Highway Baltimore MD 21237 | BORTGAGEE | X | ADDITIONAL INSURED | LOSS PAYCE | |

T MARIE TO A A POST LIONAL THROUGH . I LOSS PAYEE () This binder is a temperary insurance contract, subject to the conditions of two.

CONDITIONS: This Company binds the kind(s) of insurance stipulated on this form. This insurance is subject to the Lerms. conditions and limitations of the policy(res) in current usb by the Company. This binder may be sescelled by the Insured by succender of this binder or by written police to the Company stating when eshcellation will be offeetive. This binder may be especified by the Company by notice to the beamed in accordance with the policy conditions. This binder is concelled when replaced by a policy. If this binder is not captured by a policy. The Company policy conditions. The broder is cancelled when reproducing a policy of this primer is not reproduce by a party, rap company is substitled to charge a promium for the broder according to the Rules and todays in this by the Commany APPLICABLE IN MEYADA: Any person who refuses to accord a broder which provides coverage of less than 11,000,000,000 memory required: (A) Shall be limit not more than \$900.00 , and (B) is liable to the party present my the birder as proof of memorials. WILLY STATE SELDING STRIVETING

